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Attorney for Plaintiff DAVID WATTS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID WATTS, an individual

Plaintiff,

vs.

AERIS COMMUNICATIONS, INC., A
CALIFORNIA CORPORATION; MARC
JONES, AN INDIVIDUAL; and DOES 1
through 10, inclusive,

Defendants.

Case No.: CV11-00662-JF
Judge: Honorable Jeremy Fogel

STIPULATION OF DISMISSAL

Complaint: February 14, 2011
Trial Date: None

IT IS HEREBY STIPULATED AND AGREED, pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1) by and between Plaintiffs DAVID WATTS and all Defendants who have appeared in this action, as follows:

1. This action was commenced on February 14, 2011.
2. The action is not a class action; a receiver has not been appointed and the action is not governed by any statute of the United States that requires an order of the court for dismissal.

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3. This action is hereby dismissed, in its entirety, with prejudice.

DATED: September 16, 2011

LAW OFFICES OF MICHAEL TRACY

/s/ Michael Tracy

By: _____
MICHAEL L. TRACY, Attorney for Plaintiff
DAVID WATTS

DATED: September 16, 2011

SIMPSON, GARRITY, INNES & JACUZZI
PC

/s/ Robert Wenbourne

By: _____
ROBERT WENBOURNE, Attorney for
Defendant, AERIS COMMUNICATIONS